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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In the Matter of )  
 )  
Interconnection and Resale Obligations ) CC Docket No. 94-54  
Pertaining to )  
Commercial Mobile Radio Services )

To: The Commission

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PETITION FOR RECONSIDERATION AND CLARIFICATION  
OF NEXTEL COMMUNICATIONS, INC.

NEXTEL COMMUNICATIONS, INC.

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**PETITION FOR RECONSIDERATION AND CLARIFICATION  
OF NEXTEL COMMUNICATIONS, INC.**

Pursuant to Section 1.429(a) of the Rules of the Federal Communications Commission ("Commission"), Nextel Communications, Inc. ("Nextel") respectfully submits this Petition for Reconsideration and Clarification of the Commission's Second Report and Order in the above-captioned proceeding.<sup>1/</sup>

1/ Second Report and Order and Third Notice Of Proposed RuleMaking, 11 FCC Rcd 9462 (1996) ("Second R&O").

2/ *Id.* at para. 13.

originate a call by giving a valid credit card number to the carrier providing service."3/

Nextel is the largest provider of wide-area SMR services in the country. Nextel's services are provided on wide-area systems configured on a low-power, low-tower basis similar to a cellular system, employing Motorola, Inc.'s iDEN technology -- a digital GSM-based technology that provides customers cellular-like phone service, paging, and dispatch communications all in one handset. Only one other provider, The Southern Company, currently employs the iDEN technology in the U.S.

Nextel files this Petition to seek reconsideration of two aspects of the Commission's Second R&O: (1) the decision to mandate manual roaming; and (2) the definition of "covered SMR" provider. Manual roaming, as defined by the Commission, is not technically feasible on Nextel's systems, and the costs and complexities required to change the system to accommodate such roaming, moreover, are not justified at this time. The definition of "covered SMR," as Nextel has asserted in other petitions for reconsideration, is too broad. It encompasses a number of SMR providers that the Commission itself has agreed should be excluded from these obligations,4/ and it should therefore be redefined as proposed herein.

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3/ *Id.* at para. 5.

4/ See Second R&O at para. 12 wherein the Commission states that "covered SMR" should encompass only those "licensees that offer real-time, two-way switch voice service that is interconnected with the public switched telephone network."

## II. DISCUSSION

### A. Manual Roaming Cannot Be Offered On Nextel's Wide-Area SMR Systems Without Substantial System Modifications

The Commission concludes that mandating manual roaming will "not require licensees to modify their systems in order to provide service to any end user."<sup>5/</sup> Not only is this conclusion incorrect, it also has no support in the record in this proceeding. The Commission tentatively concluded in the Second Notice Of Proposed RuleMaking ("NPRM") that mandated roaming obligations were premature and unnecessary in the Commercial Mobile Radio Services ("CMRS") industry.<sup>6/</sup> Numerous commenters, including Nextel, supported this tentative conclusion.<sup>7/</sup> To now conclude, based on no evidence in the record, that CMRS carriers can provide manual roaming without any system changes is arbitrary, capricious and should be reconsidered.

Manual roaming, as defined by the Commission,<sup>8/</sup> simply cannot be accomplished on Nextel's wide-area SMR systems at this time. Before manual roaming could occur on Nextel's systems, two significant hurdles would have to be cleared: (1) the ability to

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<sup>5/</sup> *Id.* at 13.

<sup>6/</sup> NPRM at para. 56.

<sup>7/</sup> See, e.g., Comments of Nextel at p. 5; Airtouch at p. 10; Alltel at pp. 1-2; Frontier at p. 5; GTE at p. 12; and PCIA at p. 7.

<sup>8/</sup> Manual roaming, according to the Commission, is the ability to establish the roaming relationship with an individual roamer "in the course of attempting to originate a call by giving a valid credit card number to the carrier providing service." Second R&O at para. 5.

recognize a roamer on the system when that roamer's mobile unit is not programmed to operate on the control channels utilized in Nextel's system; and (2) the ability to recognize a roamer whose unit is programmed on the proper control channels but has yet to be registered with the Nextel system.

In contrast to the channels that transmit communications between and among users of the system, "control channels" are the channels in a CMRS system that allow the mobile unit to "talk" to the system, thereby permitting registration, authentication, and the performance of overhead/administrative matters. In Section 22.99 of the Commission's Rules, a "control channel" is defined as "a channel used to transmit information necessary to *establish or maintain* communications."<sup>9/</sup> Without the appropriate control channels programmed in the roamer's equipment, Nextel's system cannot even "*establish*" communication with the roamer much less allow them to "attempt to originate a call" or "talk" to the roamer and accept a valid credit card number. Therefore, even a roamer using iDEN equipment, i.e., a handset that arguably is "technically capable of accessing [Nextel's] system," cannot necessarily roam on Nextel's systems without some modification to the network.

Manual roaming -- even among users of the same technology -- is not as simple as it was in the cellular-only marketplace. Cellular carriers' systems were designed according to certain interoperability standards, and the Commission allocated particular control channels to each A-block and B-block cellular licensee.

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<sup>9/</sup> 47 C.F.R. Section 22.99 (emphasis added).

These control channel allocations and interoperability standards ensured that roamers operated on the same control channels and could thereby "establish or maintain" communications with another cellular system in any other market. Because SMR providers are forced to establish their own control channels according to their own channel availability in a given geographic area, there is no consistency from carrier to carrier, and therefore, no assurance that a roamer can establish communication with another SMR carrier.

Should the roaming iDEN user have the appropriate control channels programmed in its unit, Nextel's system still would not have the ability to "establish communications" with the roamer because the unit will not be recognized by Nextel's system.<sup>10/</sup> Before an iDEN mobile unit can operate on an iDEN system, it must be assigned an individual mobile identifier, which is then loaded into the system's database. The mobile identifier "introduces" that unit to the system and notifies it that this particular unit has been registered to operate on that iDEN system. Thus, when the unit is turned on and the control channels allow it to "talk" to the system, the system associates the unit's code identifier with the mobile unit, the unit is registered on the system, and the user can begin to transmit communications.

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<sup>10/</sup> Because SMR licensees are assigned channels on a site-by-site basis from the pool of currently-available channels, it is possible that two SMR providers could (1) be assigned the same frequency in different market areas, and (2) coincidentally decide to dedicate that particular channel as a control channel on the system.

The mere fact that a mobile unit has an identifier, however, does not mean that the particular mobile unit will be recognized by any iDEN system. For example, a mobile unit operating on The Southern Company's system will be assigned a proper code identifier prior to establishing service. That identifier, however, will not be registered in Nextel's database and will therefore not be recognized by Nextel's system if The Southern Company user attempts to initiate service. Because the roamer's unit would have an unknown identifier, the Nextel system would not recognize the mobile unit and would not have the ability to transmit a call -- even to Nextel's customer service center for credit card validation.

Enabling recognition of roamers without proper code identification would require significant modifications to Nextel's Mobile Switching Centers and Home Location Register databases. Given the current limited use of iDEN technology throughout the country, and the lack of continuity between iDEN users' control channels, the benefits derived from such modifications would be dwarfed by the costs and the time that would be required to retrofit the system. Those costs, moreover, would be borne by Nextel's customers, who would receive little to no benefit in return. Nextel's continued implementation of a ubiquitous nationwide system and the limited number of non-Nextel iDEN systems on which Nextel users could roam should eliminate the need for roaming by Nextel iDEN users. Therefore, the Commission is imposing costs on Nextel's customers that would benefit only a few

iDEN users -- none of which would include those users absorbing the costs.

It appears that the Commission has attempted to graft onto the entire CMRS marketplace rules that were applicable only to cellular carriers. Given the lack of a record to support its decisions and its incorrect and arbitrary conclusions about the imposition of manual roaming, the Commission should reconsider its roaming mandate and allow the marketplace to determine when and how roaming should be implemented among emerging CMRS services.

B. The Commission Should Clarify Its Definition Of "Covered SMR"

In the Second R&O, the Commission concludes that manual roaming is required of "cellular, broadband PCS, and covered SMR providers."<sup>11/</sup> "Covered SMRs" are defined as those SMRs "that hold geographic area licenses" or "who have obtained extended implementation authorizations in the 800 MHz or 900 MHz SMR service, either by waiver or under Section 90.629 of [the] rules."<sup>12/</sup> As Nextel has already stated in the resale, portability, and Enhanced 911 proceedings, the Commission's definition is too broad because it encompasses SMR licensees and systems that the Commission correctly sought to exclude.<sup>13/</sup>

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<sup>11/</sup> Second R&O at para. 12.

<sup>12/</sup> *Id.*

<sup>13/</sup> See Petitions for Reconsideration and Clarification of Nextel Communications in CC Docket No. 94-54, filed August 23, 1996; in CC Docket No. 95-116, filed August 26, 1996; and in CC Docket No. 94-102, filed September 3, 1996.

The Commission's definition is insufficiently clear given that a significant number of prospective geographic licensees and some extended implementation licensees are "local SMR licensees offering mainly dispatch services" to the public. The mere fact that an SMR operator has received a geographic license or an extended implementation grant does not mean it will configure its service on a "cellular-like" basis and offer enhanced wireless telecommunications services to the public. The current definition, therefore, may be read to include numerous SMR systems that the Commission appears to have expressly intended to exclude.<sup>14/</sup>

On reconsideration, the Commission should amend and/or clarify the definition of "covered SMR" to ensure that it excludes those "local" SMR systems that offer, as the Commission described it, "mainly dispatch services to specialized customers in a non-cellular configuration." The term "covered SMR" should encompass only those SMR systems that offer consumers two-way voice services using a mobile telephone switching facility. This would ensure that "covered SMR" encompasses only high capacity SMR systems with the licensed channels divided into groups that are then assigned to specific geographic cells (as defined in Section 22.2), that can be

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<sup>14/</sup> As written, local, primarily dispatch SMR systems on the lower 230 SMR channels would be subject to this new obligation if they chose to obtain a geographic area license through the proposed auction and settlement process in the Industry Consensus Proposal. See Joint Reply Comments of SMR WON, the American Mobile Telecommunications Association, and Nextel, filed in PR 93-144 on March 1, 1996. The Commission must clarify its definition to avoid discouraging local SMRs from obtaining a geographic license in order to avoid regulatory requirements, such as roaming obligations, that would impose more burdens on local dispatch systems than competitive benefits for customers.

reused in different cells within the service area and are capable of automatically handing off a mobile unit's call as that mobile unit travels throughout the service area.<sup>15/</sup>

Further, the Commission should make clear that the amended definition is applied on a system-by-system basis. A specific licensee could hold many SMR licenses -- some of them for single site dispatch, non-cellular systems; others for wide-area, two-way voice services using a switching facility. A single SMR licensee may provide cellular-like services on one system while providing only local, primarily dispatch services on another system. Therefore, consistent with the Commission's conclusion that local SMR systems could be overburdened by the imposition of roaming obligations, they should not be applied to any local SMR system -- regardless of who is operating it. The mere fact that Nextel, for example, may offer enhanced wide-area SMR services in New York does not warrant the imposition of roaming obligations on Nextel's local SMR systems in Arkansas and Kentucky. These local SMR systems are no different than any other local SMR, operated by any other licensee. Imposing roaming obligations on such small, local systems could impose enormous costs on the system without corresponding benefits.

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<sup>15/</sup> See Section 22.2 of the Commission's rules for the definition of a "cellular" system. Nextel's proposed definition of "covered SMR" would ensure that only systems similarly configured to a cellular system would be covered by the resale obligations.


**III. CONCLUSION**

The Commission's decision to mandate manual roaming on "covered SMRs" is arbitrary, capricious, and not supported by the record in this proceeding. Offering manual roaming, as defined by the Commission, would require Nextel to make significant and costly changes to its system that, given the current use of iDEN equipment, are not justified at this time. Therefore, the Commission should reconsider its decision to mandate manual roaming. Moreover, to the extent any form of roaming is mandated, the Commission should redefine "covered SMR" to ensure that it encompasses only those *systems* providing "mainly dispatch services to specialized customers in a non-cellular configuration."

For these reasons, Nextel respectfully requests reconsideration to the extent discussed herein.

Respectfully submitted,

**NEXTEL COMMUNICATIONS, INC.**

By 

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Date: September 26, 1996

## CERTIFICATE OF SERVICE

I, Rochelle L. Pearson, hereby certify that on this 26th day of September 1996, caused a copy of the attached Petition for Reconsideration and Clarification of Nextel Communications, Inc. to be served by hand delivery, or first-class mail, postage prepaid to the following:

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